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EXAMINER

ALAM, FAYYAZ

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/689,073	<b>Applicant(s)</b> TANAKA ET AL.	
	<b>Examiner</b> FAYYAZ ALAM	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-18, 22-31, 38 and 42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-18, 22-31, 38 and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 1 and 11-13 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1 - 2, 4, 10 - 14, 16, 22-24, 38, and 42** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Oakes et al. (U.S. Application # 2004/0063498)** in view of **Yue (USPN 2004/0203354)**.

Consider **claim 1**, Oakes et al. disclose a wireless communication game system using a plurality of portable units (read as mobile game units), which function as both server units (read as parent devices) and client units (read as child devices) and are capable of wireless communication with each other (see abstract), wherein

said server unit (read as parent device) comprises a game controller (242) (read as broadcasting circuit) operable to transmit control signals (read as broadcasting a parent device packet; see [0045]) through transmit channel (414), which will inherently consist of portable unit (138) (read as mobile game units) serial number (read as user's own unit identifying information for allowing user's own unit to be identified; see [0059]) and server game communications (read as game identifying information for allowing a game executed by the user's own unit to be identified) (the prior art discloses that each portable unit (138) has a serial number and that client unit (138a) is capable of detecting server game communications, therefore a game identifying information must have been transmitted by the server units; see [0059; 0071]) and

said client unit (read as child device) includes:

a receiver (318) for receiving server game communications or control signals (read as parent device packet) transmitted by the server unit (138e) (read as server device) existing within a communicable range (the prior art discloses detecting server game communications at the client unit; see [0045; 0059; 0071]; figs. 1 - 3);

a display (226) for displaying a server unit list (read as parent device information) existing within the communicable range, based on said server game communications or control signals (read as parent device packet) received by said (see [0023; 0045; 0071]; fig. 2);

a selector for allowing a player to select any one of the devices included in said parent device list (see [0023]);

a connection request transmitter for transmitting a connection request to the server unit (read as parent device) selected by said selector (the prior art discloses transmitting a "game access request" from the client unit to the server unit and therefore a connection request transmitter must inherently exist; see [0048]).

However, Oakes while disclosing selecting a server unit in paragraph [0010] by the owner/system users of other portable units does not explicitly disclose displaying and selecting a parent device from a parent device information including a plurality of parent devices.

In the related field of endeavor, Yue discloses displaying and selecting a list of master devices on remote terminal (120) (see [0015; 0022])).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Oakes et al. with the

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teachings of Yue in order to make one or more users aware of devices available in a dynamic wireless environment thereby effectuating network management.

Consider **claim 23**, Oakes et al. disclose a wireless communication game system comprising a plurality of portable units (read as mobile game apparatuses), which function as both server units (read as parent devices) and client units (read as child devices) and are capable of wireless communication with each other (see abstract), wherein, said plurality of mobile game apparatuses include at a server unit (read as first game apparatus) in a device discovery mode, where client unit (read as second game apparatus) sends a request to join a particular game (read as reply to an invitation with a entry request) (see [0058]), comprises a game controller (242) (read as broadcasting circuit) operable to transmit control signals (read as broadcasting a parent device packet; see [0045]) through transmit channel (414), which will inherently consist of portable unit (138) (read as mobile game units) serial number (read as user's own unit identifying information for allowing user's own unit to be identified; see [0059]) and server game communications (read as game identifying information for allowing a game executed by the user's own unit to be identified) (the prior art discloses that each portable unit (138) has a serial number and that client unit (138a) is capable of detecting server game communications, therefore a game identifying information must have been transmitted by the server units and must be stored in the server unit since it has already been executed at the server unit; see [0020;0059; 0071]) and

said client unit (read as second game apparatus) includes:

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a receiver (318) for receiving server game communications or control signals (read as parent device packet) transmitted by the server unit (138e) (read as server device) existing within a communicable range (the prior art discloses detecting server game communications at the client unit; see [0045; 0059; 0071]; figs. 1 - 3);

a display (226) for displaying a server unit list (read as parent device information) existing within the communicable range, based on said server game communications or control signals (read as parent device packet) received by said (see [0023; 0045; 0071]; fig. 2);

a selector for allowing a player to select any one of the devices included in said parent device list (see [0023]);

a connection request transmitter for transmitting a connection request to the server unit (read as parent device) selected by said selector (the prior art discloses transmitting a "game access request" from the client unit to the server unit and therefore a connection request transmitter must inherently exist; see [0048]).

However, Oakes while disclosing identifying a game stored and selecting a server unit in paragraph [0010] by the owner/system users of other portable units does not explicitly disclose displaying one or more mobile game apparatus existing within said wireless communication range and information display including information for allowing the game program stored in one or more game cartridges respectively attached to said apparatus to be identified.

In the related field of endeavor, Yue discloses displaying and selecting a list of master devices on remote terminal (120) (see [0015; 0022])).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Oakes et al. with the teachings of Yue in order to make one or more users aware of devices available in a dynamic wireless environment thereby effectuating network management.

Consider **claims 2,14, and 24** as applied to respective claims, Oakes et al. disclose a system user may utilize a server unit (138e) (read as parent device) to “simultaneously” participate in a gaming event while server unit (138e) concurrently operates in the server mode (read as broadcasting circuit broadcasts said parent device packet even during a time when a communication game is being executed with another child device; see [0028]).

Consider **claim 6**, Oakes et al. disclose a wireless communication game system using a plurality of portable units (read as mobile game units), which function as both server units (read as parent devices) and client units (read as child devices) and are capable of wireless communication with each other (see abstract), wherein

said server unit (read as parent device) comprises a game controller (242) (read as broadcasting circuit) operable to transmit control signals (read as broadcasting a parent device packet; see [0045]) through transmit channel (414), which will inherently consist of portable unit (138) (read as mobile game units) serial number (read as user’s own unit identifying information for allowing user’s own unit to be identified; see [0059]) and server game communications (read as game identifying information for allowing a game executed by the user’s own unit to be identified) (the prior art discloses that each portable unit (138) has a serial number and that client unit (138a) is capable of detecting



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server game communications, therefore a game identifying information must have been transmitted by the server units; see [0059; 0071]) and

said client unit (read as child device) includes:

a receiver (318) for receiving server game communications or control signals (read as parent device packet) transmitted by the server unit (138e) (read as server device) existing within a communicable range (the prior art discloses detecting server game communications at the client unit; see [0045; 0059; 0071]; figs. 1 - 3);

a display (226) for displaying a server unit list (read as parent device information) existing within the communicable range, based on said server game communications or control signals (read as parent device packet) received by said (see [0023; 0045; 0071]; fig. 2);

a selector for allowing a player to select any one of the devices included in said parent device list (see [0023]);

a connection request transmitter for transmitting a connection request to the server unit (read as parent device) selected by said selector (the prior art discloses transmitting a "game access request" from the client unit to the server unit and therefore a connection request transmitter must inherently exist; see [0048]).

Furthermore Oakes discloses authorization and denial of service (read as entry reception data) by the server unit (see [0049;0056;0061;0071]).

Therefore, it would be well-known to transmit an acknowledgement or confirmation of a request for service from the server unit to the portable unit

However, Oakes while disclosing selecting a server unit in paragraph [0010] by the owner/system users of other portable units does not explicitly disclose displaying and selecting a parent device from a parent device list including a plurality of parent devices and further said display displays in said parent device list only the parent device that receives the new entry of the child device..

In the related field of endeavor, Yue discloses displaying and selecting a list of master devices on remote terminal (120) (see [0015; 0022])). Further, Yue discloses a list of authorized devices and previously paired devices, i.e. devices that accept a new entry of a device based on entry reception data (note: there would entry reception data since a list of devices that will accept a pairing or a device into the network is displayed at the user terminal see [0020-0022])).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Oakes et al. with the teachings of Yue in order to make one or more users aware of devices available in a dynamic wireless environment thereby effectuating network management.

Consider **claim 11**, Oakes et al. disclose a client unit (read as child device) connecting method in a wireless communication game system using a plurality of portable units (138) (read as mobile game units) that function as server unit (read as parent device) or client unit (read as child device) capable of communicating with each other, comprising the steps of (see abstract; figs. 1 - 3):

transmitting control signals or server game communications (read as broadcasting parent device packet) that includes portable unit (138) (read as mobile

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game unit) serial number (read as user's own unit identifying information for allowing a user's own unit to be identified) (note: since all the portable units (138) have serial numbers, therefore the server unit or parent device would also have one in order to be identified) and game server communications (read as game identifying information for allowing a game to be identified);

receiving through receiver (318) a server game communications or control signals (read as parent device packet) transmitted by the server unit (138e) (read as parent device) existing within a communicable range (the prior art discloses detecting server game communications at the client unit, therefore it must be in communicable range; see [0045; 0059; 0071]; figs. 1 - 3);

displaying through display (226) server unit list (read as parent device information) existing within the communicable range, based on said server game communications or control signals (read as parent device packet) received by said receiver (see [0023;0045;0071]; fig. 2);

allowing in the client unit (read as child device) a player to select any one of the devices included in said parent device list ([0023]);

transmitting in the client unit (read as child device) a connection request to the selected server unit (read as parent device) (the prior art discloses transmitting a "game access request" from the client unit to the server unit; see [0048]).

However, Oakes while disclosing selecting a server unit in paragraph [0010] by the owner/system users of other portable units does not explicitly disclose displaying

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and selecting a parent device from a parent device information including a plurality of parent devices.

In the related field of endeavor, Yue discloses displaying and selecting a list of master devices on remote terminal (120) (see [0015; 0022])).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Oakes et al. with the teachings of Yue in order to make one or more users aware of devices available in a dynamic wireless environment thereby effectuating network management.

Consider **claim 12**, Oakes et al. disclose a memory medium encoded with a program for use in a wireless communication game using a plurality of portable units (138) (read as mobile game units) that function as server unit (read as parent unit) or a client unit (read as child unit), and are capable of communicating with each other, a processor of the portable unit (138) (read as mobile game unit) being operable to execute to perform the steps comprising (see abstract; figs. 1- 3):

transmitting (read as broadcasting) control signals or server game communications (read as broadcasting parent device packet) that includes portable unit (138) (read as mobile game unit) serial number (read as user's own unit identifying information for allowing a user's own unit to be identified) (note: since all the portable units (138) have serial numbers, therefore the server unit or parent device would also have one in order to be identified) and game server communications (read as game identifying information for allowing a game to be identified);

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receiving through receiver (318) a server game communications or control signals (read as parent device packet) transmitted by the server unit (138e) (read as parent device) existing within a communicable range (the prior art discloses detecting server game communications at the client unit, therefore it must be in communicable range; see [0045; 0059; 0071]; figs. 1 - 3);

displaying through display (226) server unit list (read as parent device information) existing within the communicable range, based on said server game communications or control signals (read as parent device packet) received by said receiver ([0023; 0045; 0071]; fig. 2);

selecting in the client unit (read as child device) in response to a player's input to select any one of the devices included in said parent device list (see [0023]); and

transmitting by the client unit (read as child device) a connection request toward the selected server unit (read as parent device) (the prior art discloses transmitting a "game access request" from the client unit to the server unit; see [0048]).

However, Oakes while disclosing selecting a server unit in paragraph [0010] by the owner/system users of other portable units does not explicitly disclose displaying and selecting a parent device from a parent device information including a plurality of parent devices.

In the related field of endeavor, Yue discloses displaying and selecting a list of master devices on remote terminal (120) (see [0015; 0022])).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Oakes et al. with the

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teachings of Yue in order to make one or more users aware of devices available in a dynamic wireless environment thereby effectuating network management.

Consider **claim 13**, Oakes et al. disclose a portable unit (138) (read as mobile game apparatus) capable of playing a wireless communication game which utilizes a plurality of portable units (138) (read as mobile game units), where any one of said units may function as a server unit (read as parent device), and the others of which may function as a client unit (read as child device), comprising (see abstract; figs. 1- 3):

a game controller (242) (read as broadcasting circuitry) operable to transmit control signals (read as broadcasting a parent device packet; see [0045]) through transmit channel (414), which will inherently consist of portable unit (138) (read as mobile game units) serial number (read as user's own unit identifying information for allowing user's own unit to be identified; see [0059]) and server game communications (read as game identifying information for allowing a game executed by the user's own unit to be identified) (the prior art discloses that each portable unit (138) has a serial number and that a client unit (138a) is capable of detecting server game communications, therefore a game identifying information must have been transmitted by the server units; see [0059; 0071]);

a receiver (318) for the client unit (read as child device) for receiving server game communications or control signals (read as parent device packet) transmitted by the server unit (138e) (read as server device) existing within a communicable range (the prior art discloses detecting server game communications at the client unit; see [0045; 0059; 0071]; figs. 1 - 3);

a display (226) for the client unit (read as child device) for displaying a server unit list (read as parent device list) existing within the communicable range, based on said server game communications or control signals (read as parent device packet) received by said receiver (see [0023; 0045; 0071]; fig. 2);

a selector for the client unit (read as child device) for allowing a player to select any one of the devices included in said parent device information (see [0023]);

a connection request transmitter for the client unit (read as child device) for transmitting a connection request to the server unit (read as parent device) selected by said selector (the prior art discloses transmitting a “game access request” from the client unit to the server unit and therefore a connection request transmitter must inherently exist; see [0048]).

However, Oakes while disclosing selecting a server unit in paragraph [0010] by the owner/system users of other portable units does not explicitly disclose displaying and selecting a parent device from a parent device information including a plurality of parent devices.

In the related field of endeavor, Yue discloses displaying and selecting a list of master devices on remote terminal (120) (see [0015; 0022])).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Oakes et al. with the teachings of Yue in order to make one or more users aware of devices available in a dynamic wireless environment thereby effectuating network management.

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Consider **claims 18 and 42**, Oakes et al. disclose a memory medium encoded with a program for use in a wireless communication game using a plurality of portable units (138) (read as mobile game units) that function as server unit (read as parent unit) or a client unit (read as child unit), and are capable of communicating with each other, a processor of the portable unit (138) (read as mobile game unit) being operable to execute to perform the steps comprising (see abstract; figs. 1- 3):

transmitting (read as broadcasting) control signals or server game communications (read as broadcasting parent device packet) that includes portable unit (138) (read as mobile game unit) serial number (read as user's own unit identifying information for allowing a user's own unit to be identified) (note: since all the portable units (138) have serial numbers, therefore the server unit or parent device would also have one in order to be identified) and game server communications (read as game identifying information for allowing a game to be identified);

receiving through receiver (318) a server game communications or control signals (read as parent device packet) transmitted by the server unit (138e) (read as parent device) existing within a communicable range (the prior art discloses detecting server game communications at the client unit, therefore it must be in communicable range; see [0045; 0059; 0071]; figs. 1 - 3);

displaying through display (226) server unit list (read as parent device information) existing within the communicable range, based on said server game communications or control signals (read as parent device packet) received by said receiver ([0023; 0045; 0071]; fig. 2);



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selecting in the client unit (read as child device) in response to a player's input to select any one of the devices included in said parent device list (see [0023]); and

transmitting by the client unit (read as child device) a connection request toward the selected server unit (read as parent device) (the prior art discloses transmitting a "game access request" from the client unit to the server unit; see [0048]).

Furthermore Oakes discloses authorization and denial of service (read as entry reception data) by the server unit and therefore, it would be well-known to transmit an acknowledgement or confirmation of a request for service from the server unit to the portable unit (see [0049;0056;0061;0071]).

However, Oakes while disclosing selecting a server unit in paragraph [0010] by the owner/system users of other portable units does not explicitly disclose displaying and selecting a parent device from a parent device list including a plurality of parent devices and further said display displays in said parent device list only the parent device that receives the new entry of the child device..

In the related field of endeavor, Yue discloses displaying and selecting a list of master devices on remote terminal (120) (see [0015; 0022])). Further, Yue discloses a list of authorized devices and previously paired devices, i.e. devices that accept a new entry of a device based on entry reception data (note: there would entry reception data since a list of devices that will accept a pairing or a device into the network is displayed at the user terminal see [0020-0022])).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Oakes et al. with the

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teachings of Yue in order to make one or more users aware of devices available in a dynamic wireless environment thereby effectuating network management.

Consider **claim 38**, Oakes et al. disclose a wireless communication game system using a plurality of portable units (read as mobile game units), which function as both server units (read as parent devices) and client units (read as child devices) and are capable of wireless communication with each other (see abstract), wherein

a display (226) for displaying a server unit list (read as parent device information) existing within the communicable range, based on said server game communications or control signals (read as parent device packet) received by said (see [0023; 0045; 0071]; fig. 2);

a selector for allowing a player to select any one of the devices included in said parent device list (see [0023]);

a connection request transmitter for transmitting a connection request to the server unit (read as parent device) selected by said selector (the prior art discloses transmitting a “game access request” from the client unit to the server unit and therefore a connection request transmitter must inherently exist; see [0048]).

Furthermore Oakes discloses authorization and denial of service (read as entry reception data) by the server unit and therefore, it would be well-known to transmit an acknowledgement or confirmation of a request for service from the server unit to the portable unit (see [0049;0056;0061;0071]).

However, Oakes while disclosing selecting a server unit in paragraph [0010] by the owner/system users of other portable units does not explicitly disclose displaying

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and selecting a parent device from a parent device list including a plurality of parent devices and further said display displays in said parent device list only the parent device that receives the new entry of the child device..

In the related field of endeavor, Yue discloses displaying and selecting a list of master devices on remote terminal (120) (see [0015; 0022])). Further, Yue discloses a list of authorized devices and previously paired devices, i.e. devices that accept a new entry of a device based on entry reception data (note: there would entry reception data since a list of devices that will accept a pairing or a device into the network is displayed at the user terminal see [0020-0022]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Oakes et al. with the teachings of Yue in order to make one or more users aware of devices available in a dynamic wireless environment thereby effectuating network management.

**Claims 4, 10, 16, and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Oakes et al. (U.S. Application # 2004/0063498)** in view of **Yue (USPN 2004/0203354)** and further in view of **Burr (USPN 2003/0079003)**.

Consider **claims 4 and 16** as applied to claims 1 and 12, Oakes et al. inherently disclose a server unit list (read as parent device list) since it is disclosed that the server units are “selectable” (see [0023]) based on transmitted control signals and server game communications (see [0023; 0045; 0071]).

However, Oakes et al. as modified by Yue fail to explicitly disclose a display displays a parent device list that executes a game communicable with the game executed by the user's own unit.

Nevertheless, in the related field of endeavor, Burr discloses device list (235) (read as parent device list) that displays compatible device application between given networked devices in a communication range that are common among the devices and thereby executable (read as display displays in said parent device list only the parent device that executes a game communicable with game executed by the user's own unit) (see figs. 1 - 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Oakes et al. as modified above with the teachings of Burr in order to make one or more users aware of devices available in a dynamic environment.

Consider **claims 10 and 22** as applied to claims 1 and 12, Oakes et al. inherently disclose a server unit list (read as parent device list) by disclosing that the server unit is "selectable" and the list is inherently constructed based on the use of control signals and game server communications (read as parent device packet) (see [0023; 0045; 0071]).

However, Oakes et al. as modified above fail to disclose parent device list clearing mechanism for regularly clearing the parent device list stored in said parent device list storage locations, wherein said display displays based on the parent device list stored in said parent device list storage locations.

In the related field of endeavor, Burr discloses device list (235) (read as parent device list) is stored in memory (225) in the mobile device (205) and is represented as routing table (405) which is updated (read as clearing mechanism) whenever a new device enters or leaves the communication area (read as parent device list clearing mechanism for regularly clearing the parent device list stored in said parent device list storage locations) (see [0037 - 0038]). In addition, display displays device list (235) stored in the memory (read as parent device list stored in storage locations) (see figs. 2 - 4 and 7 - 8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Oakes et al. as modified above with the teachings of Burr in order to make one or more users aware of devices available in a dynamic environment.

**Claims 3, 15, and 25-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Oakes et al. (U.S. Application # 2004/0063498)** in view of **Yue (USPN 2004/0203354)** in view of **Burr (USPN 2003/0079003)** and further in view of **Bluetooth Specification version 1.0B (widely available online)**.

Consider **claims 3 and 15** as applied to claims 1 and 12, Oakes et al. as modified above fail to disclose said parent device and said child device are units for making a wireless communication in a predetermined communication cycle, and said communication cycle includes a first time slot used by said parent device, and a second time slot used by said child device, and said broadcasting circuit transmits said parent device packet including game data in said first time slot.

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However, in the related field of endeavor, Bluetooth Specs disclose a master slot for transmitting data from the master device to the slave device followed by a slave slot for transmitting data from slave to master units in a predetermined cycle (read as said parent device and said child device are units for making a wireless communication in a predetermined communication cycle, and said communication cycle includes a first time slot used by said parent device, and a second time slot used by said child device, and said broadcasting circuit transmits said parent device packet including game data in said first time slot; see pg. 105, figs. 10.6 - 10.7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Oakes et al. with the teachings of Bluetooth Specs in order to conserve resources by using existing and developed technology.

Consider **claim 25** as applied to respective claim, Oakes et al. as modified above discloses the first apparatus, upon receiving the transmission request, is operable to transmit the game program.

Consider **claim 26** as applied to respective claim, Oakes et al. as modified above discloses operable to automatically execute the received game program.

Consider **claim 27** as applied to respective claim, Oakes et al. as modified above discloses the first game apparatus is also capable of performing the functions of the second game apparatus.

Consider **claim 28** as applied to respective claim, Oakes et al. as modified above discloses the display is further operable to display game identifying information for each of the parent devices on the parent device information display.

Consider **claim 29** as applied to respective claim, Oakes et al. as modified above discloses the parent device is also capable of performing the functions of the child device.

Consider **claim 30** as applied to respective claim, Oakes et al. as modified above discloses the display controller further displays information for allowing the game program started in one or more other mobile game apparatus to be identified.

Consider **claim 31** as applied to respective claim, Oakes et al. as modified above discloses said transmitter is further operable to transmit said game program to said second apparatus, responsive to a transmission request from said second apparatus, after said inviting apparatus has begun running said game program.

**Claims 5 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Oakes et al. (U.S. Application # 2004/0063498)** in view of **Yue (USPN 2004/0203354)** in view of **Burr (U.S. Application # 2003/0079003)** and further in view of **Darling et al. (PCT Publication # WO 93/23125)**.

Consider **claims 5 and 17** as applied to claim 1 and 12, Oakes et al. as modified above fail to disclose child device is a unit to which a game cartridge storing a game program is detachably attached, and display displays in said parent device list a parent device, too, that executes a game not communicable with the game of the game cartridge currently attached thereto.

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In the related field of endeavor, Darling et al. disclose detachable memory device comprising a game program (read as game cartridge storing a game) (see pg. 2, paragraphs 2 - 3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Oakes et al with the teachings of Darling et al. in order to provide a portable game machine with interactive game capabilities.

However, Oakes et al. as modified by Darling et al. fail to disclose display displays in said parent device list a parent device, too, that executes a game not communicable with the game of the game cartridge currently attached thereto.

In the related field of endeavor, Burr discloses displaying a device list (235) (read as parent device list) that comprise of applications that are not compatible among given networked devices in a communication area (read as display displays in said parent device list a parent device, too, that executes a game not communicable with the game of the game cartridge currently attached thereto) (see figs. 6- 8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Oakes et al. and Darling et al. with the teachings of Burr in order to make one or more users aware of devices available in a dynamic environment.



***Conclusion***

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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*Fayyaz Alam*

January 3, 2009

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618